

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

KENDRICK STORY
ADC #109934

PLAINTIFF

v. **No. 5:19-cv-155-DPM-JTK**

**WALKER, Sergeant, Cummins Unit;
and COLE, CO, Cummins Unit**

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Kearney's partial recommendation, *No 27*, and overrules Defendants' objections, *No 28*. FED. R. CIV. P. 72(b)(3). It's not clear to the Court that noting when a condition ended in one's grievance appeal is the equivalent of raising a completely new issue. But in any event, the Department didn't reject Story's appeal on that theory. Instead, officials addressed the merits of his appeal. *No 20-3 at 4*. Defendants' motion for summary judgment, *No 20*, is therefore denied. *Hammett v. Cofield*, 681 F.3d 945, 947-48 (8th Cir. 2012).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

4 November 2019